

SCENIC RIVER MANAGEMENT PLAN
FOR
Bayou D'Arbonne
January 20, 1998

This document specifies the general and specific management strategies used by the Louisiana Department of Wildlife and Fisheries as Administrator of the Louisiana Natural and Scenic River System to regulate and control activities on Bayou D'Arbonne in its endeavor to protect and restore the natural and scenic qualities of the bayou. The document is divided into two parts. The first part addresses existing conditions in and along Bayou D'Arbonne, and contains a discussion of some of its unique features. The second part of this document addresses management strategies that are specific to Bayou D'Arbonne or to designated segments of that stream.

Part I
Bayou D'Arbonne

D'Arbonne Bayou, "from the Lake D'Arbonne dam to its entrance into the Ouachita River", was designated a Louisiana Natural and Scenic River in the original Scenic Rivers Act in 1970. Bayou D'Arbonne is a heavily utilized recreational water resource. Primary recreational uses include fishing, boating, hunting, and camping. D'Arbonne Bayou has long been known for its excellent bass, bream and crappie fishing and is a favorite of many local fishermen. There are also excellent duck hunting opportunities in and along the bayou. Except during times of very high water, the upper reaches of D'Arbonne Bayou offer an excellent opportunity for canoeing.

The adjacent lands of D'Arbonne Bayou, with the exception of the last mile or so near its mouth, are largely undeveloped. With the exception of silviculture, there is little evidence of commercial activity along the bayou. One particular timber harvest along the right descending bank of the bayou a couple of miles downstream from the dam is evident from the bayou. There is one bridge crossing (LA 143), one railroad crossing and several pipeline and powerline crossings on the bayou. The evident pipeline and powerline crossings are on rights-of-way that are maintained all the way to the banks of the bayou.

Approximately 10 miles of D'Arbonne Bayou flows through the D'Arbonne National Wildlife Refuge. There are a number of unimproved, limited access points to D'Arbonne Bayou on the refuge and little, if any, threat of adjacent land development along that segment of the bayou. The Fish and Wildlife Service does, however, engage in silviculture on refuge lands adjacent to D'Arbonne Bayou.

Part II Management Strategies

MANAGEMENT OF WATER QUALITY

DIRECT POINT SOURCE DISCHARGES

No potentially polluting discharge will be permitted by the Scenic River Administrator if that discharge is directly into Bayou D'Arbonne unless the existence of that discharge predates the inclusion of Bayou D'Arbonne into the Scenic River System. Existing discharges will remain the sole responsibility of the Louisiana Department of Environmental Quality (DEQ) and the U.S. Environmental Protection Agency (EPA) until the modification or re-authorization of that permit is pending.

Any major modification or re-authorization of an existing discharge requiring the modification or re-issuance of an NPDES or state discharge permit will be subject to a scenic river permit and the non-degradation clause of the State Water Pollution Control Act will apply to the modified discharge. The determination of non-degradation of Bayou D'Arbonne will be based upon the measured effect of the new, modified or re-authorized discharge compared to the measured effect or the preexisting discharge. That is, if the modified discharge results in no change in discharge characteristics, or in reduced concentration and volume of contaminants the Department will accept that discharge as permissible and will require a Scenic River Permit of the discharger in order for the discharge to continue directly to Bayou D'Arbonne. A modified discharge resulting in additional pollutants in the waste stream, in higher concentrations of pollutants, or an increase in daily, monthly or annual volume of pollutants measured in pounds/day will be considered a degrading discharge and non-permissible for direct discharge to Bayou D'Arbonne.

INDIRECT POINT SOURCE DISCHARGES

Indirect discharges are those discharges that do not enter directly into a Scenic River, but are discharged to tributary water bodies. Indirect discharges will not require a Scenic River permit providing; 1. the discharge was present and entering the tributary prior to the inclusion of Bayou D'Arbonne into the Scenic River System, or, 2. the indirect discharge meets Louisiana Water Quality Standards and its effect cannot be measured in Bayou D'Arbonne at the confluence of the tributary, thus meeting the requirements of the non-degradation clause of the State Water Pollution Control Act, and 3. the effluent resulting from any modification or re-authorization of an existing NPDES or state permit for the discharge will meet the requirements of number 2 above.

Indirect discharges to Bayou D'Arbonne will be subject to regulation by the Department of Wildlife and Fisheries, DEQ and EPA, and will not be permitted by the Scenic River Administrator if that indirect discharge will have a measurable impact on Bayou D'Arbonne. If the discharge is shown to exert a negative impact on Bayou D'Arbonne even if the discharge meets the State's water discharge permit limitations, an alternate receiving water body for the discharge will be mandatory.

NON-POINT SOURCE DISCHARGES:

Vegetation in the riparian zone along Bayou D'Arbonne is an important component of non-point source pollution control and water quality maintenance. Removal of the riparian vegetative cover immediately adjacent to the stream edge, regardless of the purpose for that removal, will require a Scenic River permit. Any permitted activity which results in the clearing of riparian vegetation and/or re-shaping of the land in the riparian zone will, depending upon the nature of the project require on-site mitigative actions designed to prevent or reduce erosion, trap sediment, and re-establish a vegetative buffer strip.

MANAGEMENT OF RIPARIAN LAND USE:

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The Department of Wildlife and Fisheries recognizes and respects that the vast majority of the riparian lands along

the State's Scenic Rivers are privately owned. Therefore, the Department understands that it has limited or no authority to dictate to a private landowner what that landowner can or cannot do with, or on his or her property provided those activities do not affect property belonging to the State and the people of Louisiana. State property includes the water in streams and all natural populations of fish and wildlife. The Department of Wildlife and Fisheries can, and will enforce its authority to regulate and require a permit for those activities on private property that will directly, significantly and negatively impact the ecological integrity of Bayou D'Arbonne.

In order for the Department to be able to exercise the type of control in riparian areas that is mandated by the Scenic River Act or may be necessary to preserve or enhance the scenic values and wilderness quality of Bayou D'Arbonne, the Department will establish a working relationship with riparian landowners in an attempt to provide technical assistance to those landowners dealing with fish, wildlife and habitat management and enhancement. If riparian landowners express their intent to continue to maintain the natural character of their stream bank property without the assistance of the State, the Department will respect the rights of those landowners to do so. In lieu, as an overall management tool for maintaining wilderness quality, scenic value and adequate fish and wildlife habitat in riparian corridors along Bayou D'Arbonne, the Department will negotiate Scenic Easements with willing landowners. Those easements will be designed to provide maximum protection to the wildlife habitat along and in Bayou D'Arbonne while accommodating without usurping the landowners use and enjoyment of the his or her property.

MANAGEMENT OF STRUCTURAL INTRUSIONS

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GOVERNMENTAL AGENCIES:

Structural intrusions by governmental agencies on a Scenic River include highway and parish road bridges, flood control projects, drainage programs, navigation projects and any other project that requires the issuance of any Federal, state or local permit. Class A structural intrusions on a Scenic River are expressly prohibited by the Scenic River Act and cannot be permitted. Class A uses are 1. channelization, 2. clearing and snagging, 3. channel realignment, and 4. reservoir construction (impoundment).

BRIDGES

New bridge crossings, replacements and repairs to existing bridges over Bayou D'Arbonne will require a permit. Consistent with Federal and state construction and safety requirements, all new and replacement bridge crossings will avoid direct impact to the stream bed by using construction techniques which minimize or eliminate the need for structural support features in the stream. Rights-of-way will be reduced to the absolute minimum width required for physically locating and constructing the bridge and approaches. Filling of the flood plain to construct bridge approaches is discouraged by the Administrator. Fill will reduce the carrying capacity of that flood plain and restrict the flood flows. The Department favors maximizing the use of raised structure in lieu of "on grade" construction across the flood plain. The issue of construction on grade or on structure will be negotiated with the construction agency and will be addressed in the Scenic River permit

Bridge crossings will be located to the maximum extent practicable across Bayou D'Arbonne in a reach with low potential for lateral migration of the stream bed in order to reduce potential future problems either for the stream or the bridge. Disturbance of the natural bank of Bayou D'Arbonne during construction of the bridge is to be avoided. Equipment will not be allowed to ford the stream unless no alternative method of construction is possible. All disturbed areas will be re-vegetated using native plant species as soon as possible ~~after disturbance and accepted erosion control practices will~~ be use throughout the construction phase of the project. No construction debris will be allowed in the stream, and all debris will be removed after construction is complete. Construction equipment will be stored or situated such as to prevent accidental spills of petroleum products or other chemicals from entering the stream. On site supervisory personnel will be responsible for adhering to all stipulations of any Scenic River permit.

Consideration of public access to Bayou D'Arbonne at bridge crossings on public rights-of-way should be part of the planning process, and, if feasible, be incorporated by the Department of Transportation and Development as a project feature. This consideration is applicable to upgrading and replacing existing bridges as well as the construction of new bridges. Planning for public access must consider whether a boat launching ramp is appropriate and whether a reasonable

amount of safe parking area can be provided. A sign indicating that Bayou D'Arbonne is a Louisiana Natural and Scenic River will be placed in a prominent location along the bridge approaches on both sides of the stream.

FLOOD CONTROL , DRAINAGE & NAVIGATION

Impoundments, channelization, clearing and snagging and channel realignment are all prohibited by the Louisiana Natural and Scenic River Act. Therefore, flood control and navigation projects on all Scenic Streams, with a few exceptions is not permissible. Flood control, drainage and navigation projects on streams tributary to a Scenic River may or may not require a permit from the Department of Wildlife and Fisheries. If the project will have an effect on the Scenic River, then a permit will be required. If the impacts of the flood control, drainage or navigation project are determined to be substantial and the result is a water quality problem, the non-degradation clause of the state's Water Pollution Control Act will be triggered. Under certain conditions the removal of obstructions from the stream can be accomplished. Proposals to remove those obstructions must be communicated to and coordinated with the Department of Wildlife and Fisheries

The Department of Wildlife and Fisheries will object to the construction of flood control or navigation projects in any of the watersheds draining to Bayou D'Arbonne unless it is determined that a Scenic River permit is not required or a Scenic River permit is issued to the construction agency prior to beginning construction. The Scenic River permit issued for activities in a watershed may contain provisions not found in the other permits that are required for these types of projects i.e. Coastal Use Permits or 404 Permits. However, if proper coordination is achieved between the applicants, DNR, the Corps and the Department of Wildlife and Fisheries, prior to submitting a final application to the other permitting agencies, mitigative measures can be planned for and accomplished resulting in expeditious issuance of a Scenic River permit. Both DNR and the Corps will withhold issuance of their permits until a Scenic River permit is issued by the Department of Wildlife and Fisheries or until the Department determines that no Scenic River permit is required.

The Department of Wildlife and Fisheries will establish close communication and will coordinate and cooperate with parish government in Ouachita and Union Parishes through which Bayou D'Arbonne flows. The coordination is important to both

the parish government and the Department in order that no activity proposed by the parish government will be in violation of state law.

OTHER PROJECTS

Any other project which requires a Federal, state or local permit and which will have an environmental impact on Bayou D'Arbonne will require a Scenic River Permit. Those projects include, but are not limited to Community Development Block Grant Projects, Farmers Home Administration Projects, Department of Housing and Urban Development projects, Federal Energy Regulatory Commission projects, Coast Guard permits, Federal Aviation Administration permits and projects and Nuclear Regulatory Commission projects and permits. Each of these and other projects will have to be evaluated case-by-case in order to determine whether or not a Scenic River permit will be required for project implementation or whether the activity might constitute a prohibited use.

The Department of Wildlife and Fisheries will make contact with local governing authorities to insure that local building and other types of permits for activities that may impact a Scenic River will include a consideration of Bayou D'Arbonne before those permits are issued. Local recreation facility development will be coordinated with the parish governing authorities, tourist commissions and development authorities to encourage the proper development and maintenance of those facilities to be located along Bayou D'Arbonne .

MAJOR PRIVATE INDUSTRY PROJECTS:

The seven (7) most common intrusive activities conducted by the private sector are 1. pipeline corridors, 2. power line corridors, 3. oil and gas exploration, 4. sand, gravel and fill material extraction 5. agricultural operations, 6. Silviculture and 7. real estate development. All seven of those activities may require a Scenic River permit depending upon the proximity of the activity to Bayou D'Arbonne. Activities outside of the 100 foot buffer zone will be evaluated case-by-case.

Pipeline Corridors and Crossings:

Every pipeline crossing on Bayou D'Arbonne will require a Scenic River permit unless a construction method is used that eliminates the potential for immediate and future negative impacts to the scenic and ecological qualities of the bayou.

It is the policy of the Administrator to require subterranean, directional drilling of pipeline crossings on Bayou D'Arbonne. If that methodology is used, and the drilling will take place such that:

- 1) the pipe will submerge and re-emerge at an acceptable distance from the high bank of the stream
- 2) the pipe will lie no less than 15 feet below the bottom of the stream
- 3) the pipeline right-of-way will not be cleared above that segment of the line that is directionally bored and if the right-of-way is already cleared, it is re-vegetated with natural vegetation or allowed to re-vegetate naturally
- 4) no water is taken from or discharged to the stream
- 5) the work areas on either side of the stream are adequately shielded from the stream to eliminate, within reason, the possibility of run-off from the work area entering the stream
- 6) the owner of the pipeline presents to the Department an adequate plan for protecting the stream in the event of a pipeline rupture and a schedule for future monitoring which will include an annual report on the condition of the crossing to the Department

then no Scenic River permit will be required for the crossing. This will be determined on a case by case basis.

Power Line Corridors and Crossings:

Every new power line crossing Bayou D'Arbonne whether aerial or subterranean will require a Scenic River permit. It is not the policy of the Administrator to discourage either aerial or subterranean crossings. We realize that subterranean crossings can have a greater ecological impact on the Scenic River than an aerial crossing, the impact of which is primarily visual.

The permit will stipulate bank restoration, re-vegetation and erosion control requirements and the method of right-of-way maintenance adjacent to the stream. Additionally, any further mitigation requirements for unavoidable damages will be enumerated.

Oil and Gas Exploration and Extraction:

Seismic exploration will not be allowed within 100 feet of either side of Bayou D'Arbonne. Under no circumstances will a seismic shot be allowed within the channel. Therefore,

no Scenic River permit is required for this activity, except as follows. While a seismograph cable may be strung across the stream by hand, and sensors may be placed in the stream, no equipment will be allowed to ford the stream except under very exceptional circumstances. Under those circumstances, a Scenic River permit will be required for the crossing and damages to the banks and stream bed will be mitigated.

No drilling will be allowed within 100 feet of either side of Bayou D'Arbonne. If the "bottom of the hole" must be in a position directly under the stream corridor, the hole must be directionally drilled. Mud pits, sludge pits and produced water pits cannot be located such that any accidental levee breach or spill will result in material entering Bayou D'Arbonne. It is the policy of the Administrator to encourage vessel containment of the above materials and removal of the material from the site. If the drilling location is in a position such that leaks, spills and discharges could naturally enter Bayou D'Arbonne directly or via a tributary, then a permit will be required. No drill cuttings or produced water will be allowed to be discharged to Bayou D'Arbonne.

If access to the well passes within 100 feet of Bayou D'Arbonne and is not along a pre-existing access route or road, a Scenic River permit will be required for construction of the access road. Permanent facilities such as production platforms, tank batteries, heat treaters, flow lines and lift lines will require a separate permit.

Boat access to a drilling location via Bayou D'Arbonne is prohibited unless water depth at low water is sufficient to accommodate the draft of the vessel without dredging or wheel washing. The dredging of canals or slips which connect directly to Bayou D'Arbonne will be an option of last resort. All other potential access routes to a location near Bayou D'Arbonne must be considered and determined to be infeasible before the Administrator will consider accepting an application for a Scenic River permit to conduct such dredging.

If an application for the above action is accepted, the applicant can expect to provide for extensive shoreline protection, mitigation, and, if the well is a non producer, restoration. If access by water to and from the location will be necessary, impact to both the stream and the immediate banks will also be considered. Therefore, that activity must be addressed thoroughly and will be addressed in the permit.

Sand, Gravel and Fill Material Extraction:

Sand, gravel and fill material extraction from the stream bed of any Scenic River including mining of gravel bars in braided portions of the stream channel is prohibited. The mining of sand or gravel bars, or the removal of fill material from Bayou D'Arbonne is, therefore, an activity that cannot be permitted. Sand, gravel and fill material extraction from adjacent riparian, private lands is not a prohibited activity, but may need a Scenic River permit depending upon the distance of the activity from the stream and the relationship of the mining operation to the stream. Discharges of tailings and wash water directly to the stream or indirectly to the stream via a tributary or man-made ditch which results in an increase in the turbidity of the stream is considered a violation of the non-degradation clause of the Water Pollution Control Act and is, therefore prohibited by the Scenic River Act. Any mining operation existing or proposed along Bayou D'Arbonne is subject to regulation by the Department of Wildlife and Fisheries, and may be required to secure a Scenic River permit from the Administrator to continue legal operations.

Agriculture:

Removal of water from Bayou D'Arbonne for irrigation of farmlands or other uses is an activity that requires a Scenic River permit from the Administrator. Water which is used to irrigate fields may not be allowed to flow directly back into Bayou D'Arbonne without treatment because of the potential for increasing the turbidity of the stream or contaminating the stream with agricultural chemicals.

Clearing of riparian vegetation and cultivating to the immediate edge of Bayou D'Arbonne is discouraged by the Administrator and requires a permit from the Administrator because of the potential for ecological degradation of the stream. Conditions in a permit for this type of activity will be conditioned such that a vegetative strip will remain adjacent to the stream in order to provide a buffer for protection of fish and wildlife resources and a filter strip for protection of water quality. The Administrator requires that Natural Resource Conservation Service (NRCS) recommended land treatment measures be implemented by agricultural landowners along all of the Scenic Streams if runoff from these lands drain into the Scenic Stream.

Aerial application of pesticides and fertilizers to fields adjacent to Scenic Streams will require a Scenic River

Permit. The potential for direct contamination and accidental contamination by drift poses a threat to the ecological integrity of any stream.

Silviculture

Clearcutting of trees for commercial purposes is prohibited within 100 feet of Bayou D'Arbonne. Silviculture best management practices (BMPs) have been developed by the Louisiana Department of Agriculture and Forestry and the Louisiana Forestry Association. The Administrator encourages the use of BMPs throughout the state, but particularly adjacent to designated Scenic Rivers.

Prior to beginning any cutting activity along Bayou D'Arbonne, notification must be given to the State Department of Agriculture and Forestry who will, in turn, notify the Department of Wildlife and Fisheries. Personnel will make every attempt to make a site inspection with the forester in charge of the proposed cutting operation and a determination of the 100 foot prohibition line will be made. At that time, if selective cutting is to take place within the 100 foot buffer zone, those trees which will be left standing shall be clearly marked.

Real Estate Development:

Real estate development which would result in altered drainage patterns, clearing of property near the river or increased runoff potential from surrounding lands may require a permit from the Administrator. Ancillary activities associated with real estate development such as sewage discharges and improved drainage into Bayou D'Arbonne may have a direct, ecological impact on the stream. Any development within 100 feet of Bayou D'Arbonne will require a permit and must be compatible with uses described for the streams in the Scenic River Act. Construction outside of the 100 foot buffer strip along the stream will not require a permit as long as there is no direct, significant, ecological impact to the stream proper. Developers are encouraged to establish a scenic easement within the 100 foot buffer zone through negotiations with the Administrator of the Scenic River System.

INDIVIDUAL PROJECTS:

All projects of individuals which encroach upon Bayou D'Arbonne will require a permit from the Administrator. Examples of projects needing a Scenic River permit are: 1. bulkheads, 2. piers, 3. boathouses, 4. camps, 5. other

bank stabilization projects, 6. boat launches, 7. floating docks and boat houses, 8. water intake structures either permanent or temporary, 9. private bridges, etc. Anything that is placed or constructed immediately adjacent to or into the stream is subject to a permit. Each project will be evaluated on its own merit and stipulations and conditions may be placed on the activity via the permit.

Under no circumstances will old car bodies, appliances, construction debris, tires, tree tops or any other material not specifically designed for bank stabilization and erosion control be allowed to be used adjacent to or in Bayou D'Arbonne. Erosion control methods and materials must meet certain criteria and must be designed to complement the natural stream bank.

Clearcutting of trees for commercial purposes within 100 feet of a scenic river is prohibited by the Scenic River Act. Removal of trees in the 100 foot corridor by the landowner for personal use or disease control is exempted from regulation by the Act. Disposal of trees or tree tops into Bayou D'Arbonne is a violation of both the state Water Pollution Control Act and the Scenic River Act. The riparian landowner is liable for a violation of this nature regardless of who actually placed the trees into the stream. Therefore, the Administrator encourages the riparian landowners to be particularly cognizant of logging operations on their property.

MANAGEMENT OF RECREATIONAL USE

The designation of Bayou D'Arbonne as a Scenic River does not convey any property rights to the state over privately owned riparian lands. Therefore, there is no mandate or obligation on the Department to provide for public access to Bayou D'Arbonne. It is not the responsibility of the Department of Wildlife and Fisheries to actively promote recreational use of Bayou D'Arbonne through the Scenic Rivers Program, however, the Scenic Rivers Program will not discourage recreational uses either. If the opportunity arises through the permitting process or through negotiations with riparian landowners, or, as mentioned above at public bridge crossings, the Department will attempt to provide adequate public access to the stream.

The Department does not intend, at present, to regulate such activities as canoe liveries or tubing on Bayou

D'Arbonne. However, if those activities are established or increase in and along Bayou D'Arbonne, and are found to exert a direct, significant, negative impact on the ecological regime of the stream through overuse and abuse, we will regulate that activity by requiring permits for such vendors. Abuses which will lead to stricter controls over uses of Bayou D'Arbonne include, but are not limited to complaints of trespass from riparian landowners and littering.

Idle Wake Zone:

The Department will pursue the placement of an "idle wake zone" from the mouth of Bayou D'Arbonne at the Ouachita River upstream to a point 300 yds west of the LA 143 bridge. This area has two significant features that make the banks of Bayou D'Arbonne particularly vulnerable to wave action erosion:

1. The area is heavily populated, particularly on the left descending bank, and many of the landowners have altered the natural banks of the bayou through normal use of their property. All or most of these alterations predate Bayou D'Arbonne's inclusion in the Scenic River System and are therefore a pre-existing condition of the bayou. Though we cannot require adjacent landowners to restore their property to its pre-existing condition, we will try to encourage them to allow native vegetation to become re-established along the banks to help to control erosion.

2. This area is subject to regular, high boat traffic. There is a public boat launch (Joe Bob's) located in this segment of the bayou as well as access from the Ouachita River. Individuals use this ramp as access to both the Ouachita River and Bayou D'Arbonne making it the highest traffic area on the bayou.

Included in this plan package are the results of the public hearing and other public responses to the proposal of an "idle wake zone" on this segment of the bayou. It should be noted that the adjacent landowners on this segment of Bayou D'Arbonne are unanimously in favor of the "idle wake zone" and, in fact, have met with several defeats before the Ouachita Parish Police Jury in requesting such a regulation in the past. Also included in this package are photographs depicting the extensive erosion occurring along this segment of the bayou.

A summary of the written public response to the proposal of an "idle wake zone" is as follows:

Oppose an "Idle Wake Zone"	168
Support an "Idle Wake Zone"	213

Primary support came from landowners adjacent to that segment of D'Arbonne Bayou in question. Primary opposition came from bass fisherman.

The preferred course of action will be to work with the Ouachita Parish Police Jury to encourage them to put this "idle wake zone" in place. If this is unsuccessful, we will consider other alternatives which may include rule promulgation through the Administrative Procedure Act.

Discharge of Treated and Untreated Sewage from Houseboats:

The Department shall address the issue of treated and untreated sewage discharge from houseboats. It shall be the goal of this Department to eliminate all such discharges into Bayou D'Arbonne. We will work with the Department of Environmental Quality, our Enforcement Division and our legal staff to make the laws already in place more enforceable. All houseboats moored on Bayou D'Arbonne for more than 30 days will require a Scenic River Permit. The conditions of that permit will address the issue of sewage discharge by requiring the permittee to make his or her "no direct discharge" compliance evident in some way that non-compliance can be readily detected. If necessary, we will propose the promulgation of additional rules and regulations pursuant to the Administrative Procedure Act to address this issue under the authority of the 1997 addition to RS 56:1850.

Protection of Points of Special Interest

Prior to the July 21, 1997 public meeting, personnel of the Department of Wildlife and Fisheries made a survey of D'Arbonne Bayou from its mouth at the Ouachita River to the dam at Lake D'Arbonne. During that survey, GPS fixes were recorded for 24 significant, unique and/or recreational features along the bayou. These included boat ramps, places to fish from the bank, significant sand bars, swimming areas, camp sites adjacent to the bayou, "good fishing holes", and a probable waterbird nesting colony. It was suggested at the public hearing that these areas be afforded special consideration and protection through our permit process. There was no objection and several favorable responses. It shall be the policy of this Department to do all it can, within reason, to protect these features.

We were also provided with the locations of two

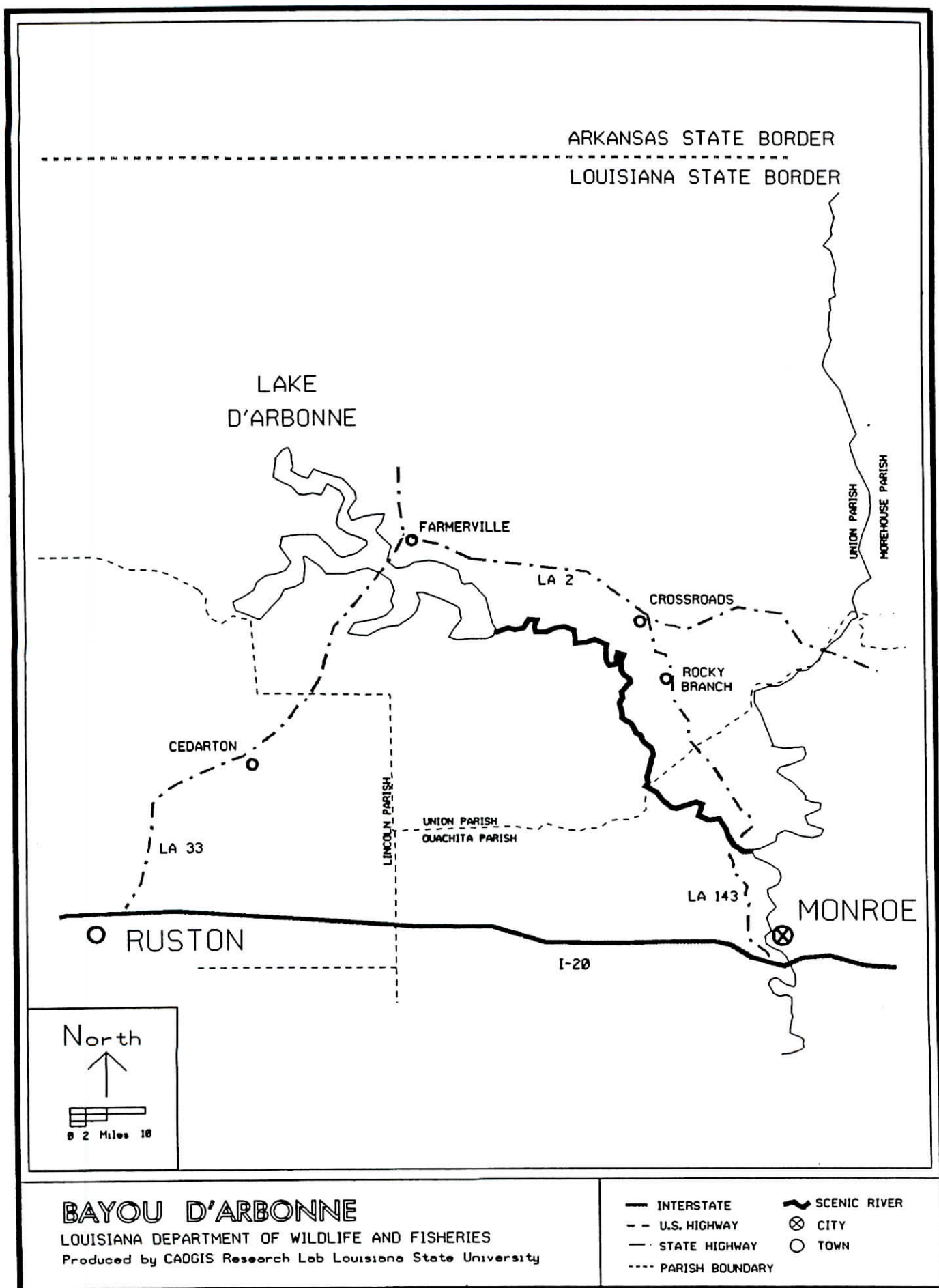
significant archeological sites along D'Arbonne Bayou by Mr. Lee Fulton of the US Fish and Wildlife Service. At his request and for good reason, the locations of these sites will not be released to the public but will be afforded all of the protection that this Department can provide.



SCENIC RIVER PLAN FOR BAYOU D'ARBONNE 1995

This document specifies general and specific management strategies used by the Louisiana Department of Wildlife and Fisheries as Administrator of the Louisiana Natural and Scenic River System to regulate activity on Bayou D'Arbonne. The first part of this plan addresses conditions in and along Bayou D'Arbonne and includes information on the designation as a Scenic River by the Legislature, claims to ownership, graphic material, characteristics and a survey of riparian owners. The final part of the plan addresses management with regard to water quality, land use, structural intrusions and recreation use.

Consistent with the purposes for the System, the objectives of this plan are to preserve, protect, develop, reclaim and enhance the wilderness qualities, scenic beauties and ecological regime of Bayou D'Arbonne.



Bayou D'Arbonne

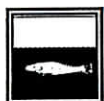
LOCATION:

Union and Ouachita Parishes in north central sub-region.



FISH AND WILDLIFE HABITAT:

This stream flows through a relatively narrow band of bottomland hardwoods flanked by upland mixed pine/hardwoods and stands of loblolly pine. The habitat diversity is high as is the biological diversity.



TYPICAL FISH & WILDLIFE SPECIES:

Game species, both fish and wildlife are probably optimum for the habitat carrying capacity. Non-game species diversity is moderate to high. Deer, rabbit, squirrel, upland game birds, waterfowl, wading birds, numerous species of small mammals, reptiles and amphibians are common. Spotted bass, largemouth bass and several other species of sunfishes are abundant.



PROTECTED/RARE/ENDANGERED/THREATENED SPECIES (PRETS):

The Natural Heritage Data Base indicates that there are several plant and animal species found in and along this stream which are considered PRETS.



GEOLOGICAL/HYDROLOGICAL FEATURES

This stream meanders through flat, alluvial bottomland from the Lake D'Arbonne dam to the Ouachita River. Geologic formations are locally exposed in the channel banks, and elevations range from 55 ft.(msl) to 40 ft.(msl) yielding a slight gradient of 0.5 ft./mile.



WATER QUALITY

Water quality of Bayou D'Arbonne is described as good; primary contact recreation is rated as full but threatened. All other designated uses are fully supported.



HISTORICAL/ARCHAEOLOGICAL:

Seven archaeological sites are recorded along the Bayou D'Arbonne corridor. All of these sites are prehistoric Indian sites. One site, the Ouchley Place site is the location of an ancient Indian village. Historically, this waterway was used for trade and transportation. A shipwreck has also been recorded in the bayou. An archaeological survey is recommended.



WILDERNESS QUALITY/SCENIC VALUE

The character of Bayou D'Arbonne ranges from low-level development to nearly pristine natural settings. In general, the visual intrusion of development along the river is limited and the undeveloped character contributes to a high potential scenic quality.



RECREATION

Bayou D'Arbonne is one of the state's most heavily used rivers for power boating, fishing and canoeing. The high water quality and natural setting of the bayou support a diverse, high quality game fish population. There are several developed public boat ramps along the bayou, and the lower segment lies in the D'Arbonne National Wildlife Refuge, which offers public hunting opportunities. The bayou also provides outstanding canoeing opportunities, although heavy motor boat traffic adversely impacts the canoeing quality. Minor hazards along Bayou D'Arbonne that canoeists should be made aware of include the dangerous currents at the Bayou D'Arbonne Lake dam (a common put-in point, with 2 parish managed boat ramps) and the potential for disorientation in the lower stretches of lake-like open water. While private camps are common along much of the river, there are no public camping areas along the river, limiting the potential for overnight canoe or fishing trips. Bayou D'Arbonne is within 30 minutes of the Monroe area.

WATER QUALITY MANAGEMENT

Direct Point Source Discharges. No potentially polluting discharge will be permitted by the Scenic Rivers Administrator if that discharge is directly into Bayou D'Arbonne unless the existence of that discharge predates the inclusion of Bayou D'Arbonne into the Scenic River System. Existing discharges will remain the exclusive responsibility of the Louisiana Department of Environmental Quality (DEQ) and the U.S. Environmental Protection Agency (EPA).

Any major modification or reauthorization of an existing discharge requiring the modification or re-issuance of a National Pollution Discharge Elimination System (NPDES) or State Permits will be subject to a Scenic River Permit and the non-degradation clause of the State Water Pollution Control Act will apply to the modified discharge. The determination of non-degradation of Bayou D'Arbonne will be based upon the measured effect of the new, modified or re-authorized discharge compared to the measured effect of the preexisting discharge. That is, if the modified discharge results in no change in discharge characteristics, or in reduced concentration and volume of contaminants the Department of Wildlife and Fisheries (WL&F) will accept that discharge as permissible and will require a Scenic River Permit of the discharger in order for the discharge to continue directly to Bayou D'Arbonne. A modified discharge resulting in additional pollutants in the waste stream, in higher concentrations of pollutants, or an increase in daily, monthly or annual volume of pollutants measured in pounds/day will be considered a degrading discharge and not permissible for direct discharge to Bayou D'Arbonne.

Indirect Point Source Discharges. Indirect discharges are those discharges that do not enter directly into a Scenic River, but are discharged to tributary water bodies. Indirect discharges will not require a Scenic Rivers Permit providing (1) the discharge was present and entering the tributary prior to the inclusion of Bayou D'Arbonne into the Scenic Rivers System or (2) the indirect discharge meets Louisiana Water Quality Standards and its effect cannot be measured in Bayou D'Arbonne at the confluence of the tributary, thus meeting the requirements of the non-degradation clause of the State Water Pollution Control Act, and (3) the effluent resulting from any modification or re-authorization of an existing NPDES or State Permit for the discharge will meet the requirements of (2) above.

Indirect discharges to Bayou D'Arbonne will be subject to regulation by WL&F, DEQ and EPA and will not be permitted by the Scenic Rivers Administrator if that indirect discharge will have a measurable impact on Bayou D'Arbonne. If the discharge is shown to exert a negative impact on Bayou D'Arbonne even if the discharge meets the State's water discharge permit limitations, an alternate receiving water body for the discharge will be mandatory.

Non-point Source Discharges. Vegetation in the riparian zone along Bayou D'Arbonne is an important component of non-point source pollution control and water quality maintenance. Removal of the riparian vegetative cover immediately adjacent to the stream edge, regardless of the purpose for that removal, will require a Scenic Rivers Permit. Any permitted activity which results in the clearing of riparian vegetation and/or re-shaping of the land in the riparian zone will, depending upon the nature of the project, require on-site mitigative actions designed to prevent or reduce erosion, trap sediment, and re-establish a vegetative buffer strip.

RIPARIAN LAND USE MANAGEMENT

WL&F recognizes and respects that the vast majority of the riparian land along the State's Scenic Rivers is privately owned. Therefore, the Department understands that it has limited or no authority to regulate this property provided those activities do not affect property belonging to the State and the people of Louisiana. State property includes the flowing water in rivers, creeks, streams and bayous and all natural populations of fish and wildlife. The Department will enforce its authority to regulate and require a permit for those activities on private property that will directly, significantly and negatively impact the ecological integrity of Bayou D'Arbonne.

In order for the Department to be able to exercise the type of control in riparian areas that is mandated by the Scenic River Act it may be necessary to preserve or enhance the scenic values and wilderness quality of Bayou D'Arbonne. The Department will establish a working relationship with riparian owners in an attempt to provide technical assistance to those landowners dealing with fish, wildlife and habitat management and enhancement. If riparian landowners express their intent to continue to maintain the natural character of their stream bank property without the assistance of the State, the Department will respect the rights of those landowners. In lieu, as an overall management tool for maintaining wilderness quality, scenic value and adequate fish and wildlife habitat in riparian corridors along Bayou D'Arbonne, the Department will negotiate Scenic Easements with willing landowners. These Easements will be designed to provide maximum protection to the wildlife habitat along and in Bayou D'Arbonne while accommodating without usurping the landowners use and enjoyment of his or her property.

STRUCTURAL INTRUSIONS MANAGEMENT

Governmental Agencies. Structural intrusions by governmental agencies on include highway and parish road bridges, flood control projects, drainage programs, navigation projects and any other project that requires the issuance of any Federal, State or local permit. Class A structural intrusions on are expressly prohibited by the Scenic Rivers Act and cannot be permitted. Class A uses are (1) channelization

(2) clearing and snagging (3) channel realignment and (4) impoundment.

Bridges. New bridge crossings, replacements and repairs to existing bridges over Bayou D'Arbonne will require a permit. Consistent with Federal and State construction and safety requirements, all new and replacement bridge crossings will avoid direct impact to the stream bed by using construction techniques which minimize or eliminate the need for structural support features in the stream. Rights-of-way will be reduced to the absolute minimum width required for physically locating and constructing the bridge and approaches. Filling of the flood plain to construct bridge approaches is discouraged by the Administrator. Fill will reduce the carrying capacity of that flood plain and restrict the flood flows. The Department prefers maximizing the use of raised structure in lieu of "on grade" construction across the floodplain. The issue of construction on grade or on structure will be negotiated with the construction agency and will be addressed in the Scenic Rivers Permit.

Bridge crossings will be located to the maximum extent practicable across Bayou D'Arbonne in a reach with low potential for lateral migration of the stream bed in order to reduce potential future problems for the stream and the bridge. Disturbance of the natural bank of Bayou D'Arbonne during construction of the bridge is to be avoided. Equipment will not be allowed to ford the stream unless no alternative method of construction is possible. All disturbed areas will be revegetated using native plant species as soon as possible after disturbance and accepted erosion control practices will be used throughout the construction phase of the project. No construction debris will be allowed in the stream, and all debris will be removed after construction is complete. Construction equipment will be stored or situated such as to prevent accidental spills of petroleum products or other chemicals from entering the stream. On site supervisory personnel will be responsible for adhering to all stipulations of any Scenic Rivers Permit.

Consideration of public access to Bayou D'Arbonne at bridge crossings on public rights-of-way should be part of the planning process, and, if feasible, be incorporated by the Department of Transportation and Development (DOTD) as a project feature. This consideration is applicable to upgrading and replacing existing bridges as well as the construction of new bridges. Planning for public access must consider whether a boat launching ramp is appropriate and whether a reasonable amount of safe parking area can be provided. A sign indicating that Bayou D'Arbonne is a Louisiana Natural and Scenic River will be placed in a prominent location along the bridge approaches on both sides of the stream.

Flood Control, Drainage and Navigation. Impoundments, channelization, clearing and snagging and channel re-alignment are prohibited by the Louisiana Natural and Scenic Rivers Act. Therefore, flood control and navigation projects on all Scenic Streams, with a few exceptions, are not permissible. Flood control,

drainage and navigation projects on streams tributary to may or may not require a Scenic River Permit. If the project will have an effect on the Scenic River, then a permit will be required. If the impacts of the flood control, drainage or navigation project are reported to be substantial and the result is a water quality problem, the non-degradation clause of the State's Water Pollution Control Act will be triggered. Under certain conditions the removal of obstructions from the stream can be accomplished. Proposals to remove those obstructions must be communicated to and coordinated with WL&F.

WL&F will object to the construction of flood control or navigation projects in any of the watersheds draining to Bayou D'Arbonne unless it is determined that permit is not required or permit is issued to the construction agency prior to beginning construction. The Scenic River Permit issued for activities in a watershed may contain provisions not found in the other permits that are required for these types of projects, i.e., Coastal Use Permits or 404 Permits. However, if proper coordination is achieved between the applicants, the Louisiana Department of Natural Resources (DNR), U. S. Army Corps of Engineers (COE) and WL&F prior to submitting a final application to the other permitting agencies, mitigative measures can be coordinated to achieve expeditious issuance of a Scenic River Permit. Both DNR and COE will withhold issuance of their permits until a Scenic River Permit is issued by WL&F or until the Department determines that no Scenic Rivers Permit is required.

WL&F will establish close communication and will coordinate and cooperate with parish government in parishes through which Bayou D'Arbonne flows. The coordination is important to both the parish government and the Department in order that no activity proposed by the parish government will be in violation of State law.

Other Projects. Any other project which requires a Federal, State or local permit and which will have an environmental impact on Bayou D'Arbonne will require a Scenic River Permit. Those projects include, but are not limited to, Community Development Block Grant Projects (CDBG), Farmers Home Administration Projects (FHA), Department of Housing and Urban Development Projects (HUD), Federal Energy Regulatory Commission Projects (FERC), Coast Guard Permits (CG), Federal Aviation Administration Permits and Projects (FAA), and Nuclear Regulatory Commission Projects and Permits (NRC). Each of these and other projects will have to be evaluated case-by-case in order to determine whether or not a Scenic River Permit will be required for project implementation or whether the activity might constitute a prohibited use.

WL&F will make contact with local governing authorities to insure that local building and other types of permits for activities that may impact will include a consideration of Bayou D'Arbonne before those permits are issued. Local

recreation facility development will be coordinated with the parish governing authorities, tourist commissions and development authorities to encourage the proper development and maintenance of those facilities to be located along Bayou D'Arbonne.

Major Private Industry Projects. The seven most common intrusive activities conducted by the private sector are pipeline corridors, powerline corridor, oil and gas exploration, sand, gravel and fill material extraction, agricultural operations, silviculture and real estate development. Any of these activities may require a permit depending upon the proximity of the activity the potential to negatively impact Bayou D'Arbonne. Activities outside of the 100 foot buffer zone will be evaluated case-by-case.

Pipeline Corridors and Crossings. Every pipeline crossing on Bayou D'Arbonne will require a Scenic River Permit unless a construction method which allows the crossing without breaching the bank and ditching through the stream bed is used. It is the policy of the Administrator to require subterranean, directional drilling of pipeline crossings on Bayou D'Arbonne. If that methodology is used, and the drilling will take place such that the pipe will submerge and re-emerge at a distance of greater than 100 feet from the high bank of the stream, a Scenic River Permit will not be required for the crossing. All pipeline crossings must be in excess of five feet below the deepest part of the river channel.

If directional drilling is not practical, a permit will be required for the crossing. The permit will stipulate bank restoration, revegetation and erosion control requirements and the method of right-of-way maintenance adjacent to the stream. Additionally, any further mitigation requirements for unavoidable damages will be enumerated. The permit will also stipulate that the pipeline will be buried at least five feet below the bottom of the deepest portion of the channel and the channel will be returned to its original bottom contour and composition. Other stipulations and emergency procedures in case of pipeline exposure or rupture will be determined on a case-by-case basis.

Powerline Corridors and Crossings. Every new powerline crossing Bayou D'Arbonne whether aerial or subterranean will require a Scenic Rivers Permit. It is not the policy of the Administrator to discourage either aerial or subterranean crossings. It is realized that subterranean crossings can have a greater ecological impact on the Scenic River than an aerial crossing, the impact of which is primarily visual. The permit will stipulate bank restoration, revegetation and erosion control requirements and the method of right-of-way maintenance adjacent to the stream. Additionally, any further mitigation requirements for unavoidable damages will be enumerated.

Oil and Gas Exploration and Extraction. Seismic exploration will not be allowed within 100 feet of either side of Bayou D'Arbonne. Under no circumstances will a seismic shot be allowed within the channel. Therefore, no

Scenic River permit is required for this activity, except as follows. While a seismograph cable may be strung across the stream by hand, and sensors may be placed in the stream, no equipment will be allowed to ford the stream except under very exceptional circumstances. Under those circumstances, a Scenic Rivers Permit will be required for the crossing and damages to the banks and stream bed will be mitigated.

No drilling will be allowed within 100 feet of either side of Bayou D'Arbonne. If the "bottom of the hole" must be in a position directly under the stream corridor, the hole must be directionally drilled. Mud pits, sludge pits and produced water pits cannot be located such that any accidental levee breach or spill will result in material entering Bayou D'Arbonne. It is the policy of the Administrator to encourage vessel containment of the above materials and removal of the material from the site. If the drilling location is in a position such that leaks, spills and discharges could enter Bayou D'Arbonne directly or via a tributary, then a permit will be required. No drill cuttings or produced water will be allowed to be discharged to Bayou D'Arbonne.

If access to the well passes within 100 feet of Bayou D'Arbonne and is not along a pre-existing access route or road, Permit will be required for construction of the access road. Permanent facilities such as production platforms, tank batteries, heat treaters, flow lines and lift lines will require a separate permit.

Boat access to a drilling location via Bayou D'Arbonne is prohibited unless water depth at low water or low tide is sufficient to accommodate the draft of the vessel without dredging or wheel washing. The dredging of canals or slips which connect directly to Bayou D'Arbonne will be an option of last resort. All other potential access routes to a location near Bayou D'Arbonne must be considered and determined to be infeasible before the Administrator will consider accepting an application for a Scenic Rivers Permit to conduct such dredging.

If an application for the above action is accepted, the applicant can expect to provide for extensive shoreline protection, mitigation, and, if the well is a non producer, restoration. Excessive boat traffic to and from the location will be considered a significant impact to both the stream and the immediate banks. Therefore, that activity must be addressed and specifically considered in the permit.

Sand, Gravel and Fill Material Extraction. Sand, gravel and fill material extraction from the stream bed of any Scenic River including mining of gravel bars in braided portions of the stream channel is prohibited. The mining of sand or gravel bars, or the removal of fill material from Bayou D'Arbonne is, therefore, an activity that cannot be permitted. Sand, gravel and fill material extraction from adjacent riparian, private lands is not a prohibited activity, but may require a Scenic Rivers

Permit depending upon the distance of the activity from the stream and the relationship of the mining operation to the stream. Discharges of tailings and wash water directly to the stream or indirectly to the stream via a tributary or man-made ditch which results in an increase in the turbidity of the stream is considered a violation of the non-degradation clause of the Water Pollution Control Act and is, therefore prohibited by the Scenic River Act. Any mining operation existing or proposed along Bayou D'Arbonne is subject to regulation by WL&F, and may be required to secure a Scenic Rivers Permit from the Administrator to continue legal operations.

Agricultural Operations. Removal of water from Bayou D'Arbonne for irrigation of farmlands or other uses is an activity that requires a Scenic Rivers Permit from the Administrator. Water which is used to irrigate fields may not be allowed to flow directly back into Bayou D'Arbonne without treatment because of the potential for increasing the turbidity of the stream or contaminating the stream with agricultural chemicals.

Clearing of riparian vegetation and cultivating to the immediate edge of Bayou D'Arbonne is discouraged by the Administrator and requires a permit from the Administrator because of the potential for ecological degradation of the stream. Conditions in a permit for this type of activity will be conditioned such that a vegetative strip will remain adjacent to the stream in order to provide a buffer for protection of fish and wildlife resources and a filter strip for protection of water quality and a sponge to absorb flood waters. The Administrator requires Soil Conservation Service (SCS) recommended land treatment measures be implemented by agricultural landowners along all of the Scenic Streams if runoff from these lands drain into the Scenic Stream.

Aerial application of pesticides and fertilizers to fields adjacent to Scenic Streams must be permitted. The potential for direct contamination and accidental contamination by drift poses a threat to the ecological integrity of any stream.

Silviculture. Clearcutting of trees for commercial purposes is prohibited within 100 feet of Bayou D'Arbonne. Silviculture Best Management Practices (BMPs) have been developed by the Louisiana Department of Agriculture and Forestry (LA&F) and the Louisiana Forestry Association (LFA). WL&F encourages the use of BMPs throughout the State, but particularly adjacent to the Scenic Streams.

Prior to beginning any harvesting activity along Bayou D'Arbonne, notification must be given to LA&F who will, in turn, notify WL&F. Personnel will attempt to make a site inspection with the forester in charge of the proposed cutting operation to insure consideration for the 100 foot buffer zone. At that time, if selective cutting is to take place within the 100 foot buffer zone, those trees which will be left standing shall be clearly marked.

Real Estate Development. Real estate development which would result in altered drainage patterns or clearing of property near the river or increased runoff potential from surrounding lands may require a Scenic Rivers Permit from the Administrator. Ancillary activities associated with real estate development such as sewage discharges and improved drainage into Bayou D'Arbonne may have a direct, ecological impact on the stream. Any development within 100 feet of Bayou D'Arbonne will require a permit and must be compatible with uses described for the streams in the Scenic River Act. Construction outside of the 100 foot buffer strip along the stream will not require a permit providing there is no direct, significant, ecological impact to the stream proper. Developers are encouraged to establish a Scenic Easement within the 100 foot buffer zone through negotiations with the Administrator of the Scenic River System.

Individual Projects. All projects of individuals which encroach upon Bayou D'Arbonne will require Scenic River Permits from the Administrator. Examples of projects needing a Scenic Rivers permit are bulkheads, piers, boathouses, camps, bank stabilization projects, boat launch ramps, floating docks and boat houses, permanent or temporary water intake structures, private bridges, etc. Anything that is placed or constructed immediately adjacent to or into the stream is subject to a permit. Each project will be evaluated on its own merit and stipulations and conditions may be placed on the activity via the permit conditions.

Under no circumstances will car bodies, appliances, construction debris, tires, tree tops or any other material not specifically designed for bank stabilization and erosion control be allowed to be used adjacent to or in a Scenic River. This restriction applies to Bayou D'Arbonne. Erosion control methods and materials must meet certain criteria and must be designed to complement the natural stream bank.

Clearcutting of trees for commercial purposes within 100 feet of is prohibited by the Scenic River Act. Removal of trees in the 100 foot corridor by the landowner for personal use or disease control is exempted from regulation by the Act. Disposal of trees or tree tops into Bayou D'Arbonne is a violation of both the State Water Pollution Control Act and the Scenic River Act. The riparian landowner is liable for a violation of this nature regardless of who actually placed the trees or tops into the stream. Therefore, the Administrator encourages the riparian landowners to be particularly cognizant of logging operations their land.

RECREATIONAL USE MANAGEMENT

The designation of a watercourse as a Scenic River does not convey property rights to the State over privately owned riparian lands. There is, therefore, no obligation for WL&F to provide public access to Scenic Rivers. And while it is certainly not Departmental policy to discourage recreational uses on the Scenic Rivers by the

public, neither is it Departmental policy to be an advocate for uses which conflict or have high potential for conflict with statutes or with private property rights.

WL&F does not presently intend to regulate such activities as canoe liveries or tubing on the Scenic Rivers. However, should commercial enterprises such as this become established or increase in and along a Scenic River to the extent that they are found to exert a direct, significant, negative impact on the ecological regime of the river through overuse or abuse, a Scenic River Permit will be required. The Louisiana Legislature has exempted portions of certain rivers in the System for the clearing of canoe trails and the prohibition against clearing and snagging by definition allows the removal of some but not most obstructions from a Scenic River if a permit has been issued for this. Sections of trees that are removed will be minimal, that is, just wide enough to allow canoes or small craft to pass without pull-overs. Removals and cuts will be done in such a manner as not to leave prominent evidence of sawing where it is practical. Other abuses of Scenic Rivers which will prompt stricter control over uses, include, but are not limited to, significant increases in trespass, vandalism and littering problems associated with recreational use.



Joe L. Herring,
Administrator